

FILED

MAR 20 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

v.

PATRICK M. MCKIBBINS

) **JUDGE GETTLEMAN**

) No. 08 CR 5

) Violations: Title 18, United States Code,
) Sections 2422(b), 2423(b), 1512(c)(1), and 2

) **Superseding Indictment**

COUNT ONE

The SPECIAL JUNE 2007 GRAND JURY charges:

MAGISTRATE JUDGE BROWN

Beginning on or about November 22, 2007, and continuing until on or about January 3, 2008,
in the Northern District of Illinois, Eastern Division, and elsewhere,

PATRICK M. MCKIBBINS,

defendant herein, using a facility and means of interstate commerce, including interstate wire communications, did knowingly attempt to persuade, induce, and entice "Ashley," whom defendant believed to be a female minor who had not attained the age of 16 years, but who in fact was an undercover law enforcement officer, to engage in sexual activity for which the defendant could be charged with a criminal offense;

In violation of Title 18, United States Code, Section 2422(b).

COUNT TWO

The SPECIAL JUNE 2007 GRAND JURY further charges:

On or about January 3, 2008, in the Northern District of Illinois, Eastern Division, and elsewhere,

PATRICK M. MCKIBBINS,

defendant herein, did travel in interstate commerce from the state of Wisconsin, to the state of Illinois, for the purpose of engaging in a sexual act as defined in Title 18, United States Code, Section 2246, with "Ashley," whom defendant believed to be a female minor who had not attained the age of 16, but who in fact was an undercover law enforcement officer;

In violation of Title 18, United States Code, Section 2423(b).

COUNT THREE

The SPECIAL JUNE 2007 GRAND JURY further charges:

Beginning on or about January 7, 2008 and continuing until on or about January 8, 2008, in the Northern District of Illinois, Eastern Division, and elsewhere,

PATRICK M. MCKIBBINS,

defendant herein, attempted to alter, destroy, mutilate, and conceal an object, namely, a computer containing records, data and images, with the intent to impair the computer's integrity and availability for use in an official proceeding, in that defendant instructed family members to remove and conceal the computer located in defendant's bedroom so as to prevent the computer's contents from being used in the investigation and prosecution of United States v. Patrick M. McKibbins, Case No. 08 CR 5.

In violation of Title 18, United States Code, Sections 1512(c)(1) and 2.

FORFEITURE ALLEGATION

The SPECIAL JUNE 2007 GRAND JURY further alleges:

1. The allegations of Counts One and Two of this Indictment are realleged and incorporated by reference as if fully restated herein for the purposes of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2428.

2. As a result of his violations of Title 18, United States Code, Sections 2422(b) and 2423(b),

PATRICK M. MCKIBBINS,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428, any and all right, title and interest defendant has in any property, real or personal, that was used to commit or to facilitate the commission of the said violations.

3. The interests of the defendant subject to forfeiture pursuant to Title 18, United States Code, Section 2428, include but are not limited to, the following items:

- (a) seized personal computers including hard drives and zip drives;
- (b) seized peripheral connecting cables and equipment;
- (c) seized computer disks, including compact disks, floppy disks, CD-Rom disks, and zip disks; and

(d) seized images, in whatever form, including those stored on DVD.

All pursuant to Title 18, United States Code, Section 2428.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY